

## REMARKS

Claims 1 – 3, 5 – 11, 17, and 18 are in the application. Claims 1 – 3, 6 – 10, 17, and 18 were previously presented; claims 4, 5, and 12 – 16 have been canceled; and claim 11 remains unchanged from the original version thereof. No new matter has been added to the application. Claims 1, 17, and 18 are the independent claims herein.

As a first matter, Applicant notes the Office Action dated December 11, 2009, stated, in the Response to Arguments section of the Office Action at page 2, “[A]pplicant’s arguments with respect to claims 1, 17, and 18 have been considered but are moot in view of the new grounds(s) if rejection.” However, the rejection in the December 11, 2009, Office Action appears to be an exact duplicate of the Office Action dated June 24, 2009 for which a complete, fully responsive Response was filed with the Office on September 24, 2009 via EFS. Accordingly, the arguments presented below are a reiteration of the comments previously presented.

It is respectfully believed that the present Response submitted herein is fully responsive to the Office Action. However, if Applicant has mistakenly interpreted the outstanding Office Action, Applicant requests the Office to contact the undersigned Applicant’s representative prior to issuing a further Office Action, particularly a Final Office Action, in an effort to advance prosecution of the current application.

Reconsideration and further examination are respectfully requested.

### Claim Rejections – 35 USC § 102

Claims 1 – 3, 5 – 11, and 17 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al. U.S. Patent No. 6,981,223. This rejection is traversed.

Claim 1 relates to a method, including determining a plurality of communication devices associated with an identity, determining at least one media capability

associated with each of said plurality of communication devices, determining an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability, and providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not display said plurality of communication devices associated with the identity via the user interface.

Claims 17 and 18 are worded, in part, similar to claim 1.

Applicant notes the Office cites and relies upon Becker at FIG. 15 and col. 20, ln. 30 – col. 21, ln. 6 to disclose each and every aspect of the pending claims in the rejection of the pending claims under 35 USC 102(e). The cited and relied upon portion of Becker is reproduced below for the convenience and consideration of the Office in the examination of the present Response. Becker discloses,

FIG. 15 shows how a user may select a secondary messaging option for a pal. A graphical user interface 1500 includes a pals panel 1510, a session tab 1520 for the engaged session "Jane," a message history panel 1530, a composition panel 1540, and a session command bar 1550. Intending to initiate a new session with Lou, the user clicks on the "Individual" heading which expands to reveal the user's pals list. The pal Jane has a computer browser presence (keyboard icon) and is online and available for instant message exchange. The pal Ken is offline and has designated his SMS mobile phone (handset icon) as an offline notification device. Availability is not indicated because the SMS phone does not provide such information. The pal Lou has a J2ME mobile telephone (handset in browser icon) which is turned on, i.e. is online. No availability is indicated because the particular J2ME client in question does not provide such information. The pal Mary has a fax machine or a fax account (paper icon) which is offline-- traditional fax machines and fax accounts are indicated as being offline because typically the sender of a message to the machine or account cannot know whether the intended recipient is actively monitoring these devices. The pal Lou has an email account (post box icon) which is offline-- the email account is indicated as being offline because typically the sender of a message to the account cannot know whether the intended recipient is logged into his or her email server or has notification service.

The user may wish to send a lengthy message to Lou. As the message is too long for a J2ME mobile phone, the user right clicks on the "Lou" pal in the pal panel 1510 to see if Lou has any "secondary" messaging options. Illustratively, a window 1560 pops up listing all available "secondary" messaging options for Lou, the option being listed in the pals panel 1510 being, illustratively, a "primary" messaging option based on any suitable criteria, such as, for example, the device which the pal is current using, the device which the pal most frequently uses, the device which the user designates as such, and so forth. The secondary pal options for Lou are a computer browser for instant message exchange (keyboard icon) which is offline (but which could be online), a fax machine (paper icon) which is offline, an email account (mailbox icon) which is offline, and an Internet phone option (telephone set icon) which is offline (but which could be online). (emphasis added)( Becker, col. 20, ln. 30 – col. 21, ln. 6)

Thus, it is seen that Becker clearly does not disclose the claimed aspect of "determining a plurality of communication devices associated with an identity". Applicant submits that Becker discloses a graphical user interface (GUI) for viewing and managing a messaging system. As such, Becker explains the graphics presented in the GUI. However, Becker is silent regarding a *determining* of a plurality of communication devices associated with an identity. Instead, Becker merely discloses presenting "messaging options" associated with "pals" of a user. For example, the pal Lou has a J2ME phone as a "primary" messaging option and has a computer browser for IM'ing, a fax machine, an email account, and an Internet phone as "secondary" messaging options. However, there is no disclosure in Becker of determining the plurality of communication devices associated the pal Lou.

Additionally, Becker fails to disclose (or suggest) "determining at least one media capability associated with each of said plurality of communication devices". This is true since Becker is also silent regarding any determining of the media capability associated with each of a plurality of communication devices. Becker makes no disclosure of actually determining the capabilities of the device(s) associated with the pals (e.g., Lou). As disclosed by Applicant in the Specification, a particular device (e.g., mobile phone) may have multiple media capabilities and to provide an accurate availability of an identity it is insufficient to merely list (as done by Becker) the general function of a

device when many communication devices are multifunctional and have more than one media capability.

Regarding the claimed aspect of “determining an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability”, Applicant submits Becker also fails to disclose this claimed aspect(s). As clearly discussed in Becker, no determination is made regarding an availability state for each of at least one media capability associated with each of the plurality of communication devices as disclosed (see Becker’s discussion of pal Lou). In fact, Becker assumes some devices are either off-line or on-line, not based on any determination of the actual availability of the device’s particular media capability but instead based on an assumption typical of similar types of devices (e.g., fax, browser, email account, and Internet phone assumed off rather than determined for each device).

Moreover, it is respectfully submitted that Becker does not disclose (or suggest) the claimed aspect of “providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not display said plurality of communication devices associated with the identity via the user interface”. In contradistinction to Applicant’s claims, Becker does not provide *an aggregated view of the availability states for each of said at least one media capability associated with the identity*. Instead, Becker provides a status of the various messaging options (e.g., primary or secondary) for each of the devices for the user’s pals. For example, all of the pal Lou’s devices are listed. There is no aggregated (i.e., summary) view based on the media capabilities of the devices. Instead, each messaging option device is listed along with its status.

Becker’s messaging option pop-up window 1560 is in contrast to Applicant’s aggregated view shown in FIGS. 4 – 7 wherein the status of the media capabilities of (a)

phone calls and (b) instant messaging are neatly and concisely summarized by a single display for each *media capability, without any presentation of the plurality of devices*. Becker meanwhile displays messaging options associated with a number of different devices, along with the graphical presentation of the particular devices (i.e., keyboard, email account, fax, internet phone, etc.).

Therefore, Applicant respectfully submits that Becker fails to anticipate claims 1, 17, and 18. Applicant also submits that claims 2, 3, and 5 – 11 are also patentable over Becker under 35 USC 102 for at least depending from an allowable base claim.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 3, 5 – 11, 17, and 18 under 35 USC 102(e), and the allowance of claims 1 – 3, 6 – 11, 17, and 18.

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/Randolph P. Calhoun/  
Randolph P. Calhoun  
Registration No. 45,371  
(203) 972-5985

SIEMENS CORPORATION  
**Customer Number: 28524**  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830

Attn: Elsa Keller, Legal Department  
Telephone: 732-321-3026